

September 22, 2005

**VIA ELECTRONIC FILING**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
The Portals  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: **Subscriber Acknowledgement Report (September 22, 2005)**  
**RCN Telecom Services of Illinois, LLC; WC Docket No. 05-196**

Dear Ms. Dortch:

RCN Telecom Services of Illinois, LLC ("RCN"), through its undersigned counsel and in response to the Commission's VoIP E911 Order ("Order") and the Public Notice issued by the Enforcement Bureau ("Bureau") on August 26, 2005 ("Public Notice"), submits this Subscriber Acknowledgement Report ("Report") to advise the Commission of the status of RCN's efforts to comply with Commission Rule 9.5(e). RCN previously filed Subscriber Acknowledgement Reports on August 10, 2005 in response to the Bureau's July 26, 2005 Public Notice ("August 10 Report"), and on September 1, 2005, in response to the August 26, 2005 Public Notice ("September 1 Report").

As explained in the August 10 Report and September 1 Report, RCN uses Voice Over Internet Protocol technology only for the connection, over RCN dedicated facilities, between the customer's premises and the RCN voice-capable switching equipment. The service does not use the public Internet and customers do not have to purchase an Internet access connection to use RCN's voice telephone service. RCN therefore does not believe it is an "interconnected VoIP provider" within the meaning of the Order. Nonetheless, in the interest of public safety, RCN has chosen voluntarily to comply fully with the Order until this uncertainty is clarified.

As requested in the Public Notice, RCN responds to the following questions set out in the Public Notice:

- 1) A detailed explanation regarding current compliance with the notice and warning sticker requirements *if* the provider did not notify and issue warning stickers or labels to 100% of its subscribers by the July 29, 2005 deadline. Providers expected to update**

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**this information include those that were in the process of providing notice and/or stickers to their subscribers, but had not completed the process by July 29, 2005.**

As explained in its August 10 Report and September 1 Report, RCN sent advisories to all of its subscribers by the July 29, 2005 deadline. As of the date of that filing, RCN had not yet sent warning stickers to customers whose service was installed between July 12 and August 11, constituting approximately 8% of customers. Warning stickers were mailed to these customers on September 6, 2005, at which time RCN reached 100% compliance with this requirement.

**2) A quantification of the percentage of the provider's subscribers that have submitted affirmative acknowledgements as of the date of the September 1 and September 22 reports, and an estimation of the percentage of subscribers from whom the provider does not expect to receive an acknowledgement by September 28, 2005.**

As described in its September 1 Report, RCN believes that it has already notified, and obtained the affirmative acknowledgement of, each of its existing Digital Phone subscribers as to the terms and conditions regarding its provision of E911 service.<sup>1</sup> Nevertheless, out of an abundance of caution — and in light of the important public policy interests involved in ensuring that voice customers understand the nature of the E911 that they receive — RCN has taken steps to notify and obtain additional acknowledgements from its customers as described in the August 10 Report and September 1 Report.

In addition to the acknowledgements obtained at the time of initiating service, as of September 21, 2005, RCN has obtained affirmative acknowledgements in response to the advisory described in the August 10 Report from approximately 87% of its subscriber base.

RCN cannot predict with precision what its final response rate will be, but estimates that 5% of its customers will still not have provided affirmative acknowledgement by September 28, 2005.

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<sup>1</sup> Since RCN launched its Digital Phone service, it has provided subscribers with appropriate advisories. *First*, each subscriber is furnished, at the time of installation, with a printed copy of the RCN Comprehensive User Guide, which includes clauses in which E911 issues are specifically addressed. *Second*, it is RCN's policy that, at the time of installation, service technicians must require subscribers to sign a work order that includes a notice that Digital Phone service, including the ability to access E911 service, will not be available in the event of a power or network failure. *Finally*, RCN's website contains copies of the Comprehensive User Guide mentioned above which contains E911-related advisories. Based on these policies and practices, RCN believes that it has already notified, and obtained the affirmative acknowledgement of, each of its existing Digital Phone subscribers as to the terms and conditions regarding its provision of E911 service.

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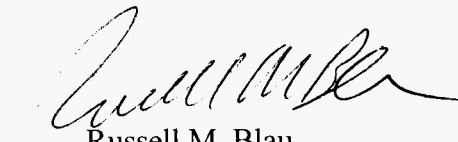
**3) A detailed description of any and all actions the provider plans to take towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory.**

RCN is continuing its campaign to contact and obtain affirmative acknowledgment from all of its subscribers on both an inbound and outbound basis. In addition to its initial advisory of July 12, 2005, RCN sent reminder notices to its existing customers on or before August 19, 2005. On September 10, 2005, RCN sent another e-mail notification to digital phone customers that included RCN's advisory and a toll-free 800 number customers may use to provide affirmative acknowledgments. On September 11, 2005, RCN included a message on digital phone customer bills reminding customers that they may provide acknowledgement via the 800 number. Finally, on September 15, 2005, RCN finalized its web page redirection process described in its August 10 Report and September 1 Report.

**4) A detailed description of any and all plans to use a "soft" or "warm" disconnect (or similar) procedure for subscribers that fail to provide an affirmative acknowledgement by September 28, 2005.**

To the extent that RCN has not received appropriate acknowledgement from any customer, RCN has developed a "soft disconnect" process whereby customers attempting to place calls would be diverted to a recording that advises them to call "611" to have their service restored and only calls to "611" or "911" would be completed. Under this process, when a customer calls "611," they would be connected to a recorded message that advises them of the limitations on E911 emergency service and obtains their affirmative acknowledgement of this advisory electronically. Upon completion of this acknowledgement, the customer's full service would be restored within two hours. As noted above, RCN does not believe that its particular local telephone service is an interconnected VoIP service as defined in the Commission's Rules. Moreover, RCN has obtained acknowledgements of the limitations of VoIP service from all local customers as part of the terms and conditions of service provided to customers at the time of installation. Accordingly, RCN has not yet determined whether it is necessary to inconvenience its customers by implementing this soft disconnect procedure, and is hopeful that the Commission will provide further guidance on this issue prior to the September 28 deadline.

Respectfully submitted,



Russell M. Blau  
Wendy M. Creeden

Counsel for RCN Telecom Services of Illinois, LLC

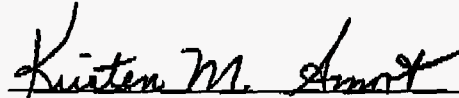
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cc: Byron McCoy (FCC)  
Kathy Berthot (FCC)  
Janice Myles (FCC)  
Best Copy and Printing, Inc.  
Kristen M. Smoot (RCN)

I, Kristen M. Smoot, state that I am Director Regulatory Affairs of RCN Telecom Services of Illinois, LLC; that I am authorized to submit the forgoing *Subscriber Acknowledgement Report (September 22, 2005)* ("*Report*") on behalf of RCN Telecom Services of Illinois, LLC; that the *Report* was prepared under my direction and supervision; and I declare under penalty of perjury that the *Report* is true and correct to the best of my knowledge, information, and belief.

A handwritten signature in black ink, reading "Kristen M. Smoot", written over a horizontal line.

Name: Kristen M. Smoot

Title: Director Regulatory Affairs  
RCN Telecom Services of Illinois, LLC